

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

VANESSA RUIZ o/b/o Z.R.

CASE NO. 1:09 CV 01859

Plaintiff,

-vs-

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
REVERSING AND REMANDING THE
COMMISSIONER'S DECISION

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Plaintiff Vanessa Ruiz, on behalf of her child, Z.R. ("dependent"), challenges the Commissioner of Social Security's final decision denying her dependent's claim for disability insurance benefits under Title XVI of the Social Security Act, 42 U.S.C. § 1381, *et seq.* (Doc.1). This case was automatically referred to United States Magistrate Judge Kenneth S. McHargh for a Report and Recommendation ("R&R") pursuant to Local Civil Rule 72.2(b).

In his R&R (Doc. 22), Magistrate Judge McHargh finds the Administrative Law Judge's (ALJ) reliance upon Dr. Mormol's findings with regard to the dependent's psychological impairments, his reliance upon the opinions of Drs. Noveske and Jaishankar, his unexplained discrediting of Dr. Matyi's findings, his failure to consider the dependent's teachers' evaluations, were each unsupported by substantial evidence. (R&R, pp. 10-15). The R&R also suggests the ALJ re-evaluate Dr. Kiefer's findings based upon a review of the entire record. (R&R, pp. 15-17). Accordingly, he

recommends the Commissioner's decision be reversed and remanded for further proceedings consistent with the Report and Recommendation.

No party has objected to the Magistrate Judge's R&R. (Doc. 23). Therefore, it must be assumed the parties are satisfied with the Report's conclusion. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, the Magistrate Judge's R&R is adopted. The decision by the Commissioner denying Ms. Ruiz' dependent's claims of disability is reversed and remanded to the Social Security Administration for further proceedings consistent with the findings of the, hereby, adopted Report and Recommendation.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE